

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

HOOVER PANEL SYSTEMS, INC., §
§
Plaintiff §
§
v. § CIVIL ACTION NO. 3:17-CV-3283-C
§
HAT CONTRACT, INC., §
§
Defendant. §

PLAINTIFF'S APPENDIX IN SUPPORT OF ITS
PLAINTIFF'S SECOND MOTION TO COMPEL DISCOVERY

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Respectfully submitted,

LAW FIRM OF SCOTT ORTIZ, P.C.

By: /s/ M. Scott Ortiz
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ATTORNEY FOR PLAINTIFF

APPX0001

CERTIFICATE OF SERVICE

This is to certify that the above-referenced document was served upon all counsel of record via the Court's ECF system in accordance with the Federal Rules of Civil Procedure on this 9th day of November 2018 (and via any additional methods noted below).

Kevin T. Schutte
SHAPIRO BIEGING BARBER OTTESON LLP
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Dallas, Texas 75240

/s/ M. Scott Ortiz

EXHIBIT “A”

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DECLARATION OF ALEX HOOVER

1. My name is Alex Hoover, and my office address is 2004 Industrial Blvd, Rockwall, Texas 75087.

2. I am a principal of Hoover Panel Systems, Inc., the plaintiff in this case. I started Hoover Panel Systems, Inc. in 1997, and we make and sell cubicles, panels and open-office furniture. I have been in said industry for over 20 years, with experience in the manufacturing side and sales side in said industry. I have expertise in this area, and I plan to give expert testimony at trial in this case on multiple subjects, including but not limited to: HAT using a third-party manufacturer to manufacture units that are the same, or substantially the same, as the Products (as defined in the Second Amended Complaint); the quantity of said units that HAT ordered from a third-party manufacturer; the quantity of said units that HAT incorporated into the products HAT sold to customers; and Plaintiff's lost profits and damages.

3. HAT's president Brian McNay's Declaration says, 'In response to the Court's order compelling production of documents on August 6, 2018, HAT created a spreadsheet summarizing the relevant sales data...detailing the information on each invoice and reflecting the

volume of sales for each year...[and that] HAT gathered and produced the invoices supporting the spreadsheet.' I need to review those documents and information so that I can give fact testimony and/or expert testimony in this case. I also need to review those documents and information so that I can give my counsel insights and input on the documents and information.

4. If the 'Attorneys Eyes Only' designation is not removed, I will be deprived of the opportunity to review those documents and information I should be able to review for my testimony in this case, and it will likely impact our ability to prepare for trial and conduct discovery.

5. I have read the Agreed Protective Order, I understand the parties in this case are bound by it, and I understand the obligations and restrictions therein.

6. I declare under penalty of perjury the foregoing is true and correct to the best of my current knowledge.

Executed in Hockhaven County, State of Texas, on the 9th day of November, 2018.



Alex Hoover